

Kerala Gazette No. 39 dated 3rd October 2017.

PART I



GOVERNMENT OF KERALA

Abstract

LABOUR AND SKILLS DEPARTMENT—JUDGEMENT IN WP(C) 20165/17 FILED BY THE
GENERAL SECRETARY, KERALA UNION OF WORKING JOURNALIST STATE
COMMITTEE—COMPLIED WITH—ORDERS ISSUED

LABOUR AND SKILLS (A) DEPARTMENT

G.O. (Rt) No. 1227/2017/LBR. *Dated, Thiruvananthapuram, 11th September 2017.*

Read:—1. G.O (Rt) No. 1295/2016/LBR dated 20-10-2016.
2. Representation dated 9-12-2016, 6-4-2017 received from the General Secretary, Kerala Union of Working Journalist State Committee.
3. Judgment dated 19-6-2017 in WP (C) 20165/17 filed by the General Secretary, Kerala Union of Working Journalist State Committee.

ORDER

As per the Government Order read as 1st paper above Government referred an industrial dispute between the management of Malayala Manorama, Kannur Unit and Shri P.G. Muraleedharan to the Labour Court, Kannur for adjudication. But the General Secretary, Kerala Union of Working Journalist State Committee filed the WP (C) No. 20165/17 before the High Court of Kerala challenging the above mentioned Government Order seeking direction to the 1st respondent i.e., the Government in Labour and Skills Department to generate a fresh order by modifying the issue referred for adjudication.

The High Court as per the judgment read as 3rd paper above, directed the Government to consider and pass orders on Ext. P3 representation within a period of three weeks from the date of receipt of the copy of the judgment after hearing the petitioner.

The Additional Chief Secretary (Labour and Skills) heard the petitioner on 23-8-2017. The General Secretary, Kerala Union of Working Journalist State Committee was present in the hearing.

The petitioner was heard in detail. Government have perused all the documents. The terms of reference were formulated according to the inputs received from the Labour Commissioner. Based on that only the Government referred the matter to the Labour Court for adjudication. This is according to Section 12(4) of the Industrial Dispute Act. The petitioner's request is to change the terms of reference unilaterally. This request does not appear to be in time with the existing procedure. The terms of reference are formulated after several hearings conducted by Labour Officials. Based on the inputs and the perspective provided by the District Labour Officer, the terms of reference have been shaped. More over, the Secretary, Law Department has opined that, since the specific issue is under the consideration of the High Court, it may not be appropriate to take a decision in Government. Under these circumstances, the request of the petitioner to change the terms of reference in the Order G. O. (Rt.) 1295/2016/LBR is declined.

This order is issued only for the limited purpose of deciding whether the Government Order G. O. (Rt.) 1295/2016/ LBR needs to be changed.

Ordered accordingly.

By order of the Governor,

TOM JOSE,

Additional Chief Secretary to Government.

To

1. Copies to the Labour Commissioner and Labour and Skills (A) Department, Government Secretariat, Thiruvananthapuram.
2. The Labour Commissioner, Thiruvananthapuram.
3. The Labour Court, Kannur.
4. The Advocate General, Ernakulam (with C/L)
5. The Parties Concerned.
6. The District Labour Officer, Kannur.
7. The Regional Joint Labour Commissioner, Kozhikode
8. The Information Officer, Web & New Media (for publishing in Government website).
9. Stock File/Office Copy.